

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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PROGRESSIVE ADVANCED  
INSURANCE,

Plaintiff,

v.

ZACHARY T. ZAFUTO and BRENDAN  
M. ZIMMERMAN,

Defendants.

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**ORDER**

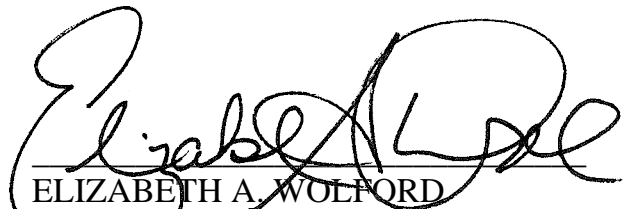
1:19-CV-00338 EAW

This case was referred for all pretrial matters and for reporting upon Plaintiff's January 17, 2020, motion for summary judgment to United States Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. §§ 636(b)(1)(A)-(C). (Dkt. 8; Dkt. 16). On March 23, 2020, Magistrate Judge McCarthy issued a thorough Report and Recommendation recommending that Plaintiff's unopposed motion for summary judgment (Dkt. 15) be granted in part and denied in part (Dkt. 22).

Pursuant to Fed. R. Civ. P. 72(b)(2) and 28 U.S.C. § 636(b)(1), the parties had 14 days after being served a copy of the Report and Recommendation to file objections. No objections were filed. The Court is not required to review *de novo* those portions of a report and recommendation to which objections were not filed. *See Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure [to timely] object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision.").

Notwithstanding the lack of objections, the Court has conducted a careful review of the Report and Recommendation as well as the filings previously made in the case, and finds no reason to reject or modify the Report and Recommendation of Magistrate Judge McCarthy. For the reasons set forth in the Report and Recommendation (Dkt. 22), this Court grants in part and denies in part Plaintiff's motion for summary judgment (Dkt. 15).

SO ORDERED.



ELIZABETH A. WOLFORD  
United States District Judge

Dated: May 4, 2020  
Rochester, New York